

**LAW OFFICES OF
F. BRYAN BRICE, JR.**

F. BRYAN BRICE, JR.
CATHERINE CRALLE JONES
ROBERT R. GELBLUM, OF COUNSEL

127 W. HARGETT ST., STE. 600
RALEIGH, NC 27601
TEL: 919-754-1600

July 2, 2020

VIA ELECTRONIC FILING

Ms. Kimberly A. Campbell
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Matter: Docket Nos. E-7, Sub 1214, and E-2, Sub 1219

*Re: Statement of Consent to Remote Hearing and Motion for Special
Accommodation in Response to COVID-19*

Ms. Campbell,

On behalf of Sierra Club, please find enclosed for electronic filing the following document for the above-mentioned matter:

- *Statement of Consent to Remote Hearing and Motion for Special Accommodation in Response to COVID-19*

If you have any question or concerns, feel free to contact our office. Thank you for your assistance in this matter.

Sincerely,

/s/ Catherine Cralle Jones
Electronically Submitted

Enclosure

Cc: Parties of Record

OFFICIAL COPY

JUL 02 2020

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET E-7, SUB 1214

DOCKET E-2, SUB 1219

DOCKET NO. E-7, SUB 1214

In the Matter of Application of Duke Energy
Carolinas, LLC for Adjustment of Rates and
Charges Applicable to Electric Utility Service
in North Carolina

DOCKET NO. E-2, SUB 1219

In the Matter of Application of Duke Energy
Progress, LLC for Adjustment of Rates and
Charges Applicable to Electric Service in
North Carolina

**STATEMENT OF CONSENT
TO REMOTE HEARING
AND
MOTION FOR SPECIAL
ACCOMMODATION IN
RESPONSE TO COVID-19**

Pursuant to the June 17, 2020 Order Adopting Procedures for Expert Witness Hearings in the above-referenced dockets, Sierra Club hereby indicates its consent to the Commission holding the consolidated phase of the hearing by remote means.

Under the extraordinary circumstances of a global COVID-19 pandemic, Sierra Club respectfully requests that the Commission waive the requirement of in-person appearance for Sierra Club witnesses Mark Quarles and Rachel Wilson and allow these witnesses to give their testimony by remote means. In addition, Sierra Club respectfully requests that the Commission allow Sierra Club attorney Bridget Lee to participate in the hearings by remote means. In support of these requests, Sierra Club states that:

1. In the two weeks since the June 17, 2020 Order, the number of COVID-19 cases in the U.S. has surged by more than 500,000, the country set a record for new cases

in one day,¹ and the number of new cases and hospitalizations in North Carolina have both increased steadily.²

2. On June 24, 2020, recognizing of the growing public health threat, Governor Cooper issued Executive Order No. 147, which extended the “Phase 2 Order” (Executive Order No. 141) until July 17, 2020.³ Under the Phase 2 Order, indoor gatherings of ten people or more are prohibited and teleworking is encouraged.

3. On June 29, 2020, noting the “catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of the state,” Chief Justice Beasley extended certain emergency directives, including Emergency Directive 3, which authorizes judicial officials throughout the state “to conduct proceedings that include remote audio and video transmissions, notwithstanding any other provision of law,” until July 29, 2020.⁴

4. Mr. Quarles resides in Tennessee, where COVID-19 cases are also on the rise. His employer requires employees to self-quarantine for fourteen days after air travel. Mr. Quarles is the father of two small children and caregiver of his eighty-five-year-old mother; a two-week quarantine would present a significant hardship.

5. Ms. Wilson resides in Massachusetts, where travelers from other states are instructed to self-quarantine for fourteen days upon entering Massachusetts.⁵ Ms. Wilson

¹ The COVID Tracking Project, <https://covidtracking.com/data/us-daily>.

² N.C. Exec. Order 147 (June 24, 2020), <https://files.nc.gov/governor/documents/files/EO147-Phase-2-Extension.pdf>.

³ *Id.*

⁴ Order of the Chief Justice of the Supreme Court of North Carolina Extending Emergency Directives 2 to 8 (June 29, 2020), *available at* <https://www.nccourts.gov/covid-19>.

⁵ Mass.gov, Travel information related to COVID-19: Travel to Massachusetts, <https://www.mass.gov/info-details/travel-information-related-to-covid-19#travel-to-massachusetts>.

is the mother of three small children; a two-week quarantine would present a significant hardship.

6. Ms. Lee resides in New York, where travelers from North Carolina and a number of other states with a significant degree of community-wide spread of COVID-19 are required to self-quarantine for fourteen days upon entering New York.⁶ In addition, Sierra Club has instituted an organization-wide policy prohibiting travel by its employees until August 31, 2020.

7. In addition to avoiding interstate travel during the ongoing public health crisis, allowing for remote participation by those identified above will limit the number of people present at the hearing.

8. Sierra Club will ensure that its witnesses and attorney have access to high speed internet connections that allow them to participate with clear video and audio connections.

9. Undersigned counsel will be present at the hearing.

10. Sierra Club advised the parties of its intention to submit the instant request and no party raised objection.⁷ Written confirmation of no objection has been received from counsel for Applicants, the office of NC Attorney General and intervenors.⁸

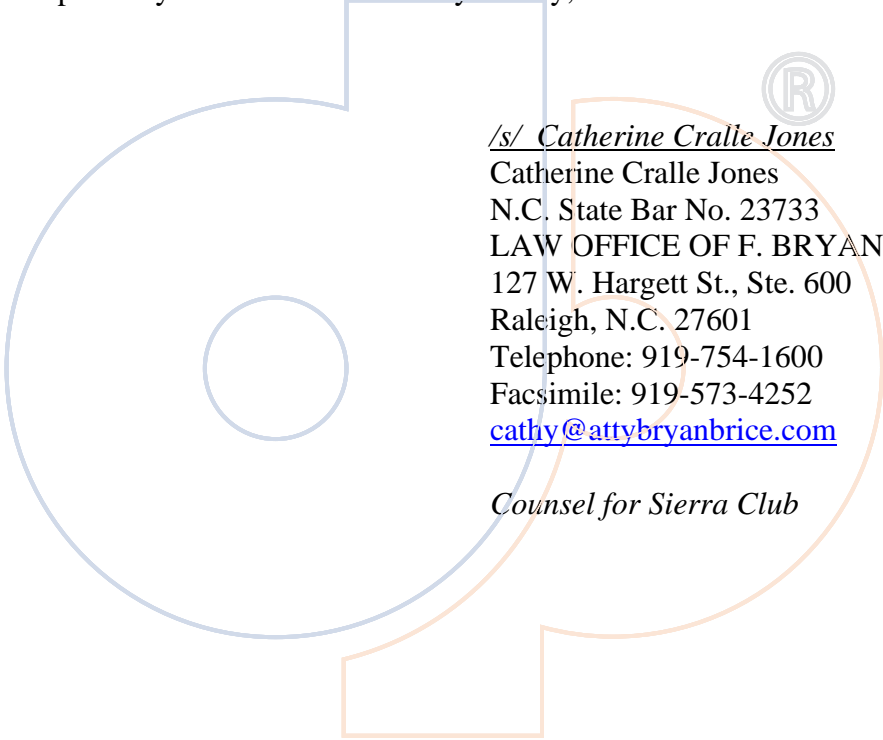

⁶ N.Y. Executive Order No. 205 (June 24, 2020), <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO205.pdf>.

⁷ Counsel for CUCA has indicated that he has no objection “as long as the ‘remote’ accommodation also applies to CUCA’s witness, Kevin O’Donnell.” Sierra Club has no objection to remote accommodation for Mr. O’Donnell.

⁸ Responding intervenors include: NCJC et al, CIGAR, Hornwood, CUCA, NCSEA, NCLM, NCCEBA, Tech Customers, Center for Biological Diversity/AV, DOD/FEA, NCWARN, and Vote Solar.

Accordingly, we respectfully request that the Commission allow Mr. Quarles and Ms. Wilson to provide their testimony summaries and be available for cross-examination and Commission questions via remote means and that the Commission allow Ms. Lee to participate in the hearings by cross-examining four of the Companies' witnesses via remote means.

Respectfully submitted this 2nd day of July, 2020.



/s/ Catherine Cralle Jones

Catherine Cralle Jones

N.C. State Bar No. 23733

LAW OFFICE OF F. BRYAN BRICE, JR.

127 W. Hargett St., Ste. 600

Raleigh, N.C. 27601

Telephone: 919-754-1600

Facsimile: 919-573-4252

cathy@attybryanbrice.com

Counsel for Sierra Club

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing *Statement of Consent to Remote Hearing and Motion for Special Accommodations in Response to COVID-19* upon each of the parties of record in these proceedings or their attorneys of record by email transmission.

This the 2nd day of July 2020.

LAW OFFICE OF F. BRYAN BRICE, JR.

By: /s/Catherine Cralle Jones
Catherine Cralle Jones

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